REMARKS

This is in response to the *Final* Office Action of November 9, 2007, where the Examiner has rejected claims 30-55. An early allowance of outstanding claims 30-55 in view of the following remarks is requested.

A. Rejection of Claims 30-32, 38-40, 46-48 and 50-52 under 35 USC § 102(e)

The Examiner has rejected claims 30-32, 38-40, 46-48 and 50-52, under 35 USC § 102(e), as being anticipated by Farris, et al. (USPN 6,438,218) ("Farris"). For the reasons stated below, applicant respectfully disagrees.

In response to applicant's arguments in response to final office action, the Examiner states that "The central office **inherently** includes a modem and analyzes received data in determining that the call is an Internet call (see figure 4, block 72 and col. 6, lines 46-64)." Col. 6, lines 46-64 of Farris reads:

> FIG. 3 is a simplified block diagram of an electronic program controlled switch which may be used as any one of the SSP type central offices in the system of FIG. 2. As illustrated, the central office switch includes a number of different types of modules. In particular, the illustrated switch includes interface modules 551 (only two of which are shown), a communications module 553 and an administrative module 555.
>
> The interface modules 551 each include a number of interface units 0 to n. The interface units terminate lines from subscribers' stations, trunks, T1 carrier facilities, etc. Where the interfaced circuit is analog, for example a subscriber loop, the interface unit will provide analog to digital conversion and digital to analog conversion. Alternatively, the lines or trunks may use digital protocols such as T1 or ISDN. Each interface module 551 also includes a digital service unit (not shown) which is used to generate call progress tones.

First, the Examiner fails to support the statement that a central office (CO) includes a modem. Applicant respectfully disagrees and submits that a central office does not inherently

include a modem. It is respectfully submitted that it is well known that "modem" stands for "modulator-demodulator," and it is not understood by applicant why a central office inherently includes a modulator-demodulator. Even more, it is respectfully submitted that there is no statement at col. 6, lines 46-64 of Farris that there is any modulation-demodulation performed at either block 50 or 72. The cited portion of Farris only refers to analog-to-digital conversion and digital-to-analog conversion. It is respectfully submitted that this cited portion does not refer to a modem, but it seems to refer to a voice codec for digitizing or compressing the analog signal from the central office using, for example, a variety of voice codecs, such as G.711, G.729, and the like, for transmitting digitized voice (or digitized version of the analog signal from the central office) over the Internet.

Again, the Examiner goes on to state that "It is **inherent** and also **disclosed** that the first gateway modem (see figure 4, block 72 and col. 6, lines 46-64) includes a modem to modulate data over physical connections.") Applicant respectfully submits that there is no inherency to having a modulator-demodulator at the first gateway modem and certainly there is no disclosure at the cited portion of Farris that the first gateway includes a modem to modulate data over a physical connection. Applicant respectfully requests the Examiner to point to the specific portion of the disclosure that "the first gateway includes a modem to modulate data over physical connection," because applicant cannot find any statement to that effect or even a mention of "modulation" in the cited portion of Farris. Applicant respectfully submits that there is no disclosure, teaching of suggestion that the connection between Internet module 72 and modem 64 is anything other than a typical "voice connection" where Internet module 72 simply uses a voice codec to pass through the signals between modem 64 and modem 66 over the Internet. Therefore, applicant is puzzled by the Examiner's insistence that Farris discloses that the first

gateway includes a modem and also it is inherent, where there is no such disclosure, and there is no such technical requirement that a gateway must have a modem. In fact, in conventional art, such as Farris, modems 64 and 66 directly talk to each other through a voice channel created by the gateways using voice codecs, and modulation and demodulation are performed at modems 64 and 66.

Even more, the Examiner states that the central office inherently includes a modem and the first gateway also inherently includes a modem. Therefore, it is quite unclear to applicant as to why there are modems at every step of the communication. Applicant respectfully submits that clearly it is not inherent to have modems at the central office and the Internet Module.

In addition, the Examiner states that "Farris does disclose a first physical modem connection (see connection between figure 4, block 64, 50 and 72) is **negotiated** (see column 6, lines 5-23 for exchange of information showing negotiations) and established between the first client modem (see figure 4, block 64) and the first gateway modem of the first gateway (see figure 4, block 72.)" Col. 5, lines 5-23 of Farris reads:

> The **messages transmitted between the SSPs and the ISCP** are all formatted in accord with the Transaction Capabilities Applications Protocol (TCAP). The TCAP protocol provides standardized formats for various query and response messages. Each query and response includes data fields for a variety of different pieces of information relating to the current call. An initial TCAP query from the SSP includes, among other data, a "Service Key" which is the calling party's address and digits representing the called party address. TCAP also specifies a standard message response format including routing information, such as primary carrier ID, alternate carrier ID and second alternate carrier ID and a routing number and a destination number. The TCAP specifies a number of additional message formats, for example a format for a subsequent query from the SSP, and formats for "INVOKE" responses for instructing the SSP to play an announcement or to play an announcement and collect digits.

First, applicant respectfully refers the Examiner's attention to Figure 4 of Farris, where SSP at CO 50 is shown to be in communication with STP and ISCP at the top of Figure 4. It is very unclear how the first gateway modem at block 72 (Internet Module) (which the Examiner states to be inherent) negotiates with modem 64 through STP/ISCP connection. Applicant respectfully submits that the cited portion of Farris does not disclose modem negotiations, but it is an exchange of information between SSP and ISCP. Even more, Figure 5 of Farris provides the functional architecture of Internet Module (block 72), which the Examiner alleges to include a modem. However, none of the components shown in Figure 5 remotely resembles or performs modulation-demodulation functions of a modem.

Claim 30 of the present application recites "negotiating, in response to said call, over said first telephone line with said first client modem to establish a first physical modem connection between said first client modem and a first gateway modem of said first gateway." Applicant respectfully submits that there is no disclosure in Farris, whatsoever, that any negotiation takes place between modem 64 of Farris and Internet module 72 over the telephone line.

In Farris, only two modems are shown, i.e. modems 64 and 66. It is respectfully submitted that, in Farris, the modem negotiation is performed between modem 64 and modem 66, and Internet modules 72 and 74 simply facilitate this modem connection through a voice codec (such as a G.711 codec), and *even if* there is a modem in each of Internet modules 72 and 74 (which is not disclosed by Farris), such modem would simply monitor and analyze signals from modems 64 and 66, and would not negotiate to establish a connection with either modem 64 or 66.

There is also no disclosure, teaching of suggestion that the connection between Internet module 72 and modem 64 is anything other than a typical "voice connection" that passes through

the signals between modem 64 and modem 66. Also, simply because Internet module 72 has a modem (assuming, arguendo), and such modem monitors and analyzes signals from modem 64, the "voice connection" does not turn into a "modem connection," unless there is an exchange of information (i.e. negotiation) between the modems to establish a modem connection. It is respectfully submitted that there is no disclosure in Farris that Internet modules 72 enters in any type of exchange of information with modem 64 to establish a modem connection.

Accordingly, applicant respectfully submits that claim 30 is patentable over Farris, and should be allowed. Further, claims 30-32 depend from claim 30, and should be allowed at least for the reasons stated above. It is respectfully submitted that independent claims 38, 46 and 50 include limitations similar to those discussed above in conjunction with claim 30. Therefore, independent claims 38, 46 and 50, and their respective dependent claims 39-40, 47-48 and 51-52, should also be allowed at least for the reasons stated above.

B. Rejection of Claims 33 and 41 under 35 USC § 103(a)

The Examiner has rejected claims 33 and 41, under 35 USC § 103(a), as being unpatentable over Farris.

Applicant respectfully submits that claims 33 and 41 depend from claims 30 and 38, respectively, and should be allowed at least for the reasons stated above in conjunction with patentability of claims 30 and 38.

C. Rejection of Claims 34 and 42 under 35 USC § 103(a)

The Examiner has rejected claims 34 and 42, under 35 USC § 103(a), as being unpatentable over Farris in view of Endo (USPN 6,381,038) ("Endo").

Applicant respectfully submits that claims 34 and 42 depend from claims 30 and 38, respectively, and should be allowed at least for the reasons stated above in conjunction with patentability of claims 30 and 38.

D. Rejection of Claims 35-37 and 43-45 under 35 USC § 103(a)

The Examiner has rejected claims 35-37 and 43-45, under 35 USC § 103(a), as being unpatentable over Farris in view of Endo, and further in view of Davis, et al. (USPN 6,049,902) ("Davis").

Applicant respectfully submits that claims 35-37 and 43-45 depend from claims 30 and 38, respectively, and should be allowed at least for the reasons stated above in conjunction with patentability of claims 30 and 38.

E. Rejection of Claims 49 and 53-55 under 35 USC § 103(a)

The Examiner has rejected claims 49 and 53-55, under 35 USC § 103(a), as being unpatentable over Farris in view of Davis.

Applicant respectfully submits that claims 49 and 53-55depend from claims 46 and 50, and should be allowed at least for the reasons stated above in conjunction with patentability of claims 46 and 50.

F. Conclusion

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 30-55 pending in the present application is respectfully requested.

Respectfully Submitted,
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